

OFFICIAL COPY

Fresno, California May 3, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President
Absent:	Henry Perea	Councilmember

Andy Souza, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Pastor Brad Grams of the West McKinley Assembly of God gave the invocation, and President Dages led the Pledge of Allegiance.

SPCA PET OF THE MONTH - PRESIDENT DAGES
1. PROCLAMATION OF BE KIND TO ANIMALS WEEK

The pet of the month, a kitten, was showcased, and the proclamation was read and presented.

PROCLAMATION OF OLDER AMERICANS MONTH - PRESIDENT DAGES

PROCLAMATION OF DISTRICT 1 HISTORIC PRESERVATION'S LISA SCHUMACHER AND JUDY STENE DAY -
COUNCILMEMBER BOYAJIAN

The above proclamations were read and presented.

PROCLAMATION OF RICHARD'S RESTAURANT DAY AND PRESENTATION BY THE HUNTINGTON BOULEVARD HOME
OWNERS' ASSOCIATION

The proclamation was read and presented and presentations were made to restaurant owner Richard Stockel and President Dages by association members.

APPROVE MINUTES OF APRIL 19, 2005:

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of April 19, 2005, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COMMENDATION TO THE VALLEY CHRISTIAN CENTER FOR THE WOW JAM 2005 EVENT AT SCANDINAVIAN SCHOOL
- COUNCILMEMBER WESTERLUND

Commendation made.

145-153**5/3/05****MAIL THEFTS IN THE BULLARD/FIRST STREET AREA - COUNCILMEMBER WESTERLUND**

Councilmember Westerlund spoke to the recent rash of mail thefts in the area and to a meeting that was held with a U.S. inspector who gave tips and advised residents on how to protect their mail, and added so far this year 50 people in the Fresno area had been arrested for mail theft. After the following comments by Councilmembers Sterling and Calhoun, Councilmember Westerlund advised the phone number to report suspected mail theft was 559-497-7590.

COMMUNITY INVESTMENT GRANT PROCESS AND FUNDING - COUNCILMEMBER STERLING

Councilmember Sterling thanked City Manager Souza for his memo on the issue but stated it did not answer her question as to whether or not funding would be available stating it was important for agencies to know that. Mr. Souza stated the matter would be part of the Mayor's budget (to be distributed next week) and it would be premature to begin discussion on the matter at this time. Councilmember Sterling stated she was very frustrated with not knowing if funding would be available, stressed if funding is cut it would adversely impact many people, and expressed her concern stating this matter was of great concern to her.

COMMENDATION TO PUBLIC UTILITIES/SEWER EMPLOYEES FOR THEIR WORK ON A PLUGGED-UP SEWER LINE THIS PAST WEEKEND - COUNCILMEMBER CALHOUN

Commendation made with Councilmember Calhoun displaying chunks of gunite that was dumped into the drain system and retrieved, advised employees received a call on Friday and had to work over the weekend, and added this incident was being looked into and those responsible would be prosecuted when caught.

MONEY SPENT ON AFTER-SCHOOL PROGRAMS - COUNCILMEMBER CALHOUN

Councilmember Calhoun noted the city spends quite a bit on after-school programs and on the face of it seems like a noble thing to do, read a portion of a report from "Education Week" which stated a study found after-school programs offered students little or no academic benefit, stated the most troubling part of the report was that children were not being taken care of and were not safe at the schools while their parents are not home, **(2 - 0)** and citing the upcoming budget stated putting taxpayer dollars into after-school programs was a questionable use. City Manager Souza stated what the city was doing needed to be looked at and it should not be tied back to a broad nation-wide study, and added he looked forward to reviewing the information presented and candidly addressing how what the city is doing is probably different.

TEXAS HOLD 'EM CHARITY POKER TOURNAMENT AT CLUB ONE CASINO - PRESIDENT DAGES

President Dages spoke to the event stating it was a success and a total of \$33,750 was raised for various charities and advised of the charities that benefitted.

APPROVE AGENDA:**(2-B) WORKERS' COMPENSATION COVERAGE FOR VOLUNTEERS AND CRIMINAL OFFENDERS**

1. RESOLUTION - APPROVING ESTABLISHMENT OF WORKERS' COMPENSATION BENEFITS FOR VOLUNTEERS AND CRIMINAL OFFENDERS ENGAGED IN PERFORMING WORK OR SERVICE FOR THE CITY IN ACCORDANCE WITH THE LABOR CODE
2. AUTHORIZE STAFF TO CONTRACTUALLY EXTEND WORKERS' COMPENSATION COVERAGE TO CRIMINAL OFFENDERS ENGAGED IN PERFORMING WORK OR SERVICE FOR THE CITY

City Clerk Klisch corrected the title of the resolution stating the term "criminal offenders" was being deleted. Upon question of Councilmember Calhoun, City Attorney Montoy clarified it was only being deleted from the resolution (#1) and not from #2. So noted and corrected.

(9:45 A.M.) HEARING TO CONSIDER THE DRAFT 2006-2010 CONSOLIDATED PLAN (CONTINUE TO 3:00 P.M.)

Continued as noted.

145-154

5/3/05

(10:45 A.M.) HEARING TO CONSIDER A RESOLUTION AMENDING THE CITY OF FRESNO'S NONDISPOSAL FACILITY ELEMENT (Continue to May 10, 2005, at 3:45 p.m.)

Continued as noted.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the AGENDA hereby approved as modified, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	Perea

ADOPT CONSENT CALENDAR:

Councilmember Calhoun pulled Items **1-E**, **1-Q** and **1-S** for discussion, Councilmember Boyajian registered a "NO" vote on Item **1-P**, and President Dages pulled Item **1-F** for discussion.

(1-A) AWARD A CONTRACT IN THE AMOUNT OF \$151,850 TO A-C ELECTRIC FOR TRAFFIC SIGNAL MODIFICATION AND MISCELLANEOUS CONCRETE IMPROVEMENTS AT THE INTERSECTION OF "P" STREET AND TULARE STREET

(1-B) RESOLUTION NO. 2005-140 - INTENT TO ANNEX FINAL TRACT NO. 5141 TO CFD NO. 2, ANNEXATION NO. 93, AND SETTING THE PUBLIC HEARING FOR JUNE 7, 2005

(1-C) RESOLUTION NO. 2005-141 - INTENT TO ANNEX FINAL TRACT NO. 5396 TO CFD NO. 2, ANNEXATION NO. 92, AND SETTING THE PUBLIC HEARING FOR JUNE 7, 2005

(1-D) RESOLUTION NO. 2005-142 - INTENT TO ANNEX FINAL TRACT NO. 5310 TO CFD NO. 2, ANNEXATION NO. 91, AND SETTING THE PUBLIC HEARING FOR JUNE 7, 2005

(1-G) ACCEPT THE ANNUAL REPORT FROM CALCOT, LTD. AS REQUIRED UNDER A 1997 DEVELOPMENT AGREEMENT, AND AUTHORIZE REIMBURSEMENT IN THE AMOUNT OF \$451,470 FROM PROCEEDS OF THE BONDS SOLD IN APRIL, 2004

(1-H) RESOLUTION NO. 2005-143 - WAIVING ADVERTISED COMPETITIVE BIDDING, DECLARING THE ABATEMENT OF ASBESTOS CONTAMINATION IN BUILDING "I" OF THE MUNICIPAL SERVICE CENTER (MSC) TO BE OF URGENT NECESSITY, AN AUTHORIZING THE PURCHASING MANAGER TO ENTER INTO A CONTRACT FOR THE WORK, IN AN AMOUNT NOT TO EXCEED \$200,000, FOLLOWING THE PURCHASING MANAGER SOLICITING QUOTES FROM AT LEAST THREE QUALIFIED LICENSED CONTRACTORS

(1-I) CONSIDER THE PROPOSED COPPER-CHESTNUT NO. 3B REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 14 ACRES FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TO THE CITY OF FRESNO (DISTRICT 6)

1. AFFIRMING COUNCIL ACTION OF JUNE 24, 2003, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-03-09/C-03-29/T-5150, DATED 4/15/03, RESULTING IN A FINDING OF CONFORMITY

2. **RESOLUTION NO. 2005-144** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED COPPER-CHESTNUT NO. 3B REORGANIZATION

(1-J) CONSIDER THE PROPOSED COPPER-CHESTNUT NO. 2D REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 5 ACRES FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TO THE CITY OF FRESNO (DISTRICT 6)

1. AFFIRMING COUNCIL ACTION OF JUNE 18, 2004, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-03-81/T-5229, DATED 5/10/04, RESULTING IN A FINDING OF CONFORMITY

2. **RESOLUTION NO. 2005-145** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED COPPER-CHESTNUT NO. 2D

REORGANIZATION

145-155

5/3/05

(1-K) APPROVING AN ADDITIONAL \$250,000 OF HOME PROGRAM FUNDS FOR THE COMPLETION OF THE VILLAGE AT KINGS CANYON, A 48-UNIT MULTI-FAMILY DEVELOPMENT LOCATED AT THE SOUTHEAST CORNER OF WILLOW AND KINGS CANYON ROAD

(1-L) APPROVING A HOME PROGRAM COMMUNITY HOUSING DEVELOPMENT ORGANIZATION (CHDO) AGREEMENT FOR \$550,000 WITH FRESNO WEST COALITION FOR ECONOMIC DEVELOPMENT (FWCED), FOR THE CONSTRUCTION OF TEN AFFORDABLE SINGLE-FAMILY HOMES, AND AUTHORIZE THE CITY ATTORNEY TO NEGOTIATE AND FINALIZE THE AGREEMENT FOR THE PROJECT

(1-M) RESOLUTION NO. 2005-146 - APPROVING THE FINAL MAP OF TRACT NO. 5224 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, W. BARSTOW BETWEEN N. BRYAN AND FREEWAY 99

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE AND THE STATEMENT OF COVENANTS FOR TEMPORARY STORM DRAINAGE FACILITIES

2. AUTHORIZE THE FIRE CHIEF TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT REQUIRING FIRE PROTECTION MEASURES TO BE PROVIDED AND MAINTAINED

3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

4. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

(1-N) RESOLUTION NO. 2005-147 - APPROVING AN ALTERNATE LIQUIDITY FACILITY IN CONNECTION WITH CITY OF FRESNO SEWER SYSTEM SUBORDINATE LIEN VARIABLE RATE REVENUE REFUNDING BONDS, 2000 SERIES A, AUTHORIZING THE EXECUTION AND DELIVERY OF A STANDBY BOND PURCHASE AGREEMENT, AND AUTHORIZING CERTAIN OTHER ACTIONS AND THE EXECUTION OF CERTAIN OTHER DOCUMENTS IN CONNECTION THEREWITH

(1-O) BILL NO. B-42 - ORDINANCE NO. 2005-43 - ADDING CHANGES AND ADDITIONS TO THE OFFICIAL LIST OF TRUCK ROUTES FOR THE MOVEMENT OF VEHICLES EXCEEDING A MAXIMUM GROSS WEIGHT OF TWELVE THOUSAND POUNDS PURSUANT TO FMC SECTION 10-1303

(1-R) APPROVE APPOINTMENT OF MICHELE RANDEL AND MOLLY LM SMITH TO THE HISTORIC PRESERVATION COMMISSION - MAYOR AUTRY

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
 Noes : None
 Absent : Perea

(1-P) BILL NO. B-40 - ORDINANCE NO. 2005-44 - AMENDING THE FRESNO MUNICIPAL CODE RELATING PERMISSIBLE GAMES IN A CARD ROOM

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled Bill No. B-40 adopted as Ordinance No. 2005-44, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : Perea

(9:00 A.M.) PUBLIC COMMENT PERIOD:

145-156

5/3/05

(A) SCHEDULED COMMUNICATION:

APPEARANCE BY FAY BANEY TO REQUEST EXTENSION OF AN ADDITIONAL TEN YEARS TO FMC CHAPTER 8, ARTICLE 1202, THE MOBILE HOME RENT REVIEW AND STABILIZATION ORDINANCE

Appearance made. City Attorney Montoy advised staff was currently working on the matter and an ordinance amendment would be coming back to Council for action.

(B) UNSCHEDULED COMMUNICATION:

APPEARANCE BY PASTOR PAUL BINION EXPRESSING HIS GRATITUDE TO THE CITY COUNCIL AND STAFF FOR THEIR LEADERSHIP AND FOR WHAT HAS TAKEN PLACE IN SOUTHWEST FRESNO

Appearance made.

APPEARANCE BY STAN LOPEZ AND TED LESTER EXPRESSING THEIR SUPPORT FOR THE EXTENSION OF THE MOBILE HOME RENT REVIEW ORDINANCE FOR THE PROTECTION OF MOBILE HOME OWNERS

Appearances made. Upon question of Councilmember Westerlund, City Attorney Montoy stated it was staff's intent to submit a copy of the ordinance to Mrs. Baney in advance. As the city representative to the Fresno-Madera Area Agency on Aging, Councilmember Sterling spoke briefly to her passion to represent seniors in housing matters, stated Council was also very sensitive to these issues, and requested she be kept apprised of these matters.

(3-A) REQUEST THE CITY ATTORNEY'S OFFICE TO DRAFT LEGISLATION TO REGULATE "INDOOR MALLS" - PRESIDENT DAGES

President Dages clarified this was directed at vacant buildings in which 100 square foot spaces are rented out to 100 businesses, stated he wanted an ordinance regulated after Crafters Palace and Fulton Follies Antique Mall which have a central cashier and explained, stated without a central cashier there is no way to regulate business licences and sales taxes, and made a motion to direct the city attorney as outlined, *excluding the Fashion Fairs and Manchesters*, which motion was seconded and acted upon after brief discussion.

Councilmember Calhoun stated the implications were unknown, he would have been more comfortable with asking staff to explore any problems that might be occurring, and upon his question City Attorney Montoy stated her office would work closely with the finance and planning departments and advised model ordinances were out there as other cities had these types of regulations. Councilmember Westerlund stated he was concerned with the motion as it was vague and there might be potential issues the city may encounter, questioned if the city attorney had reviewed other cities' ordinances, and stated other concerns were how this would be regulated and it might be construed to apply to the Fashion Fairs and Manchesters and he could not support that, with Ms. Montoy responding throughout.

On motion of President Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the city attorney's office requested to draft legislation to regulate indoor malls, excluding Fashion Fair and Manchester Center-type malls, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Sterling, Dages
Noes :	Westerlund
Absent :	Perea

RECESS - 9:53 A.M. - 10:00 A.M.**(10:00 A.M.) PRESENTATION OF EMPLOYEE SERVICE AWARDS**

Certificates of Commendation were presented to employees with 10, 15, 20, 25, 30, 35 and 40 years of city service and a reception was held immediately following to honor the employees.

145-157

5/3/05

RECESS - 10:45 A.M. - 11:00 A.M.

(9:30 A.M.) HEARING TO CONSIDER AN APPEAL OF THE ENVIRONMENTAL FINDING OF CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES TO SITE PLAN REVIEW APPLICATION NO. S-04-399 PROPOSING THE DEMOLITION OF AN EXISTING FOUR-PLEX RESIDENTIAL STRUCTURE AND THE CONSTRUCTION OF A 2,080 SQUARE-FOOT OFFICE ADDITION ON PROPERTY LOCATED AT 1432 E. DIVISADERO STREET

President Dages announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Unruh gave an extensive review of the issue, all as as contained in the staff report as submitted, and recommended the appeal be denied and the planning and development department's issuance of a categorical exemption be affirmed.

Speaking to the issue were: Attorney Richard Harriman, 4321 N. West, Suite 106, representing the appellant, who submitted written material containing a summary of their issues and objections, on file in the office of the city clerk, and elaborated on their opposition to the department's finding **(3 - 0)**; Doug Vagim, who stated the project should go through the CEQA process; Steven Mensel, area resident, who expressed concern that CEQA was not being followed and displayed photographs of neighborhood homes; Dallas Debatin, who stated the city needed to take a harder look at the project; and Robert Williams, who spoke in support of the department's finding and stated the project was exempt from CEQA and should proceed. Mr. Harriman asked Council to remember substantial evidence must support the decision on whether or not there is a fair argument of an exception to the categorical exemption, and Mr. Williams stated there must be substantial evidence that an exception applies and there has been no evidence presented to Council that an exception applies.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Calhoun expressed concern with a domino effect stating if one building comes down another could follow. Councilmember Duncan made a motion to deny the appeal and certify the categorical exemption. Mr. Harriman, City Attorney Montoy, Assistant City Attorney Slater, and property owner Robert Perez responded at length to questions of Councilmembers Boyajian and Sterling relative to what the exceptions to the exemption were, the Monterey case and the fair argument rule, the cumulative impacts of demolishing buildings, the substantial evidence that the city of Fresno has preserved/restored projects/areas, suggestion for a 1-2 week delay to work with the applicant, the department's determination of a categorical exemption and non-impact to historic preservation, additional questions on the Monterey case, **(4 - 0)** when the law firm acquired the property and what the circumstances were at that time, if the property owners could have torn down the two buildings at that time, what the plans were for the property if the appeal is denied, if the second building was still going to be renovated, if the property owners were ever approached by anyone to place the structure on the Historic Register, and if the neighborhood has seen the project plans/drawings. Councilmember Sterling seconded the motion on the floor. Mr. Williams responded to questions of Councilmember Westerlund relative to whether the building was unoccupied, if there was severe structural damages, and if the property owners were told the flats had to be included when they purchased the property, whereupon Councilmember Westerlund expressed his support for the motion stating the building was not historical and the project fell outside of CEQA.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the appeal hereby denied, and the Planning and Development Department's issuance of a Categorical Exemption as provided by California Environmental Quality Act (CEQA) Guidelines, California Code of Regulations, Title 14, Chapter 19, for Site Plan Review Application No. S-04-399 hereby affirmed, by the following vote:

Ayes :	Duncan, Sterling, Westerlund, Dages
Noes :	Calhoun
Absent :	Perea
Abstain :	Boyajian

LUNCH RECESS - 12:13 P.M. - 2:03 P.M.

(11:30 A.M.) RESOLUTION NO. 2005-148 - SUPPORTING SB 999, THE "HEALTHY CHILDREN, COMMUNITIES AND ECONOMY IN THE SAN JOAQUIN VALLEY ACT OF 2005" - PRESIDENT DAGES

Reviewed by President Dages who requested Council's support, spoke to SB 999 and what it would do, all as contained in his report to Council as submitted, and made a motion to adopt the resolution, which motion was seconded and later acted upon.

145-158

5/3/05

Speaking to the issue were: Caroline Simunovic, Fresno Metro Ministry, support for the resolution; Ryan Jacobson, Fresno County Farm Bureau, opposed to the resolution; Manuel Cunha, President, Neisi Farmers League, opposed; Mark Scott, representing Cental Valley Air Quality Coalition, support; Rey Leon, Latino Issues Forum, support; and Kevin Hall, Sierra Club/Tehipite Chapter, support.

Councilmember Duncan spoke in opposition to the issue/resolution citing the reasons contained in his memo to Council as submitted, and Councilmembers Boyajian and Sterling **(5 - 0)** spoke in support and Councilmember Westerlund spoke in opposition, all explaining their reasons therefor.

On motion of President Dages, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2005-148 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Sterling, Dages
Noes :	Duncan, Westerlund
Absent :	Perea

(2:00 P.M. #3) CONTESTED CONSENT CALENDAR:

(1-E) RESOLUTION NO. 2005-149 - CONSIDER CHANGING THE RATE AND METHOD OF APPORTIONING THE SPECIAL TAX AND ESTABLISHING A NEW MAXIMUM SPECIAL TAX FOR ANNEXATION NO. 73, FINAL TRACT NO. 5137 OF CFD NO. 2

Upon question of Councilmember Calhoun, Assistant City Manager Ruiz advised Council would be receiving the report on CFDs/LLMDs within two weeks. Councilmember Calhoun stated until he sees the report he would continue to oppose these matters.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2005-149 hereby adopted, by the following vote:

Ayes :	Boyajian, Duncan, Sterling, Westerlund, Dages
Noes :	Calhoun
Absent :	Perea

(1-F) APPROVE THE REQUEST FROM GRANITE CONSTRUCTION CO., INC., TO SUBSTITUTE SUBCONTRACTOR SUMMIT ELECTRIC WITH GARY BROWN ELECTRIC, INC., FOR THE ELECTRICAL PORTION OF THE FYI REHABILITATION OF RUNWAY 11L-29R PROJECT

President Dages stated it was his understanding Summit Electric went out of business and Gary Brown Electric was one and the same company with just a different name and presented questions relative to what transpired, the remaining work, and what happened to Summit employees, with Assistant Public Works Director Kirn responding and recommending the substitution be approved.

Greg Jordan, IBEW 100 Business Manager, and John Hutson spoke further to the Summit Electric issue and in opposition to Granite's request and staff's recommendation.

Discussion ensued. Mr. Kirn, Chief Assistant City Attorney Sanchez, Mr. Hutson and Mr. Jordan responded to questions of Councilmembers Boyajian, Westerlund and Sterling relative to whether it was Granite's responsibility to substitute, if city staff had any responsibility to look at the general/prime contractor's choice, what the consequences would be if Council does not approve the request or if that would be a contract violation, if the contract had a provision allowing Council to disapprove the request/override Granite's choice, what findings would have to be made to disallow the request, what caused Summit to go out of business, if Summit had a history of non-performance, and if Summit had been doing the work satisfactorily so far. Councilmember Westerlund stated Summit had performed

satisfactorily to this point, he was hearing -- with limited information -- that the partnership broke up due to financial issues, and stated the request should be approved so the project could move forward. Councilmember Sterling questioned if Gary Brown Electric did in fact acquire new employees (with Mr. Hutson & Mr. Jordan responding affirmatively from audience), stated there had been enough problems at the airport and Council needed to take a harder look at this before making a decision, and stated her concerns were the name and employee changes and she could not support the request. President Dages made a motion to deny Granite's request to substitute subcontractors, which motion was seconded by Councilmember Sterling.

145-159

5/3/05

Councilmember Duncan cautioned Council on the issue, upon his question and with Mr. Sanchez responding the request was legal said "case closed" and Council should not "stick its nose" in the subcontractor issue, added the construction bond would address any non-fulfilled work, and requested the motion-makers rescind the motion. Upon question of Councilmember Calhoun, Aviation Director Widmar stated he would have concerns if the request is not approved, advised Granite Construction had done an exceptional job, and noted this was an FAA project and there would be consequences with a delay and explained.

Brief discussion continued. Councilmember Boyajian stated Council should have been made aware of this, added if Summit could not do the work it would be the same with Gary Brown, and spoke to problems with the Copper-Friant project, with Councilmember Duncan stating that project was completely different. President Dages stated although the matter was here for Council approval Council did not have to approve it and could deny it. Councilmember Westerlund stated he would hate to see this matter end up in litigation due to innuendo and made a motion to table the matter one week to have a representative from Summit or Gary Brown Electric present to explain their situation and answer questions, which motion was seconded by Councilmember Boyajian who stated he was supportive of getting information.

On motion of Councilmember Westerlund, seconded by Councilmember Boyajian, duly carried, RESOLVED, Item 1-F tabled to May 10, 2005, at 9:30 a.m. to have a representative of Summit Electric or Gary Brown Electric, Inc. present, by the following vote:

Ayes : Boyajian, Calhoun, Sterling, Westerlund
 Noes : Duncan, Dages
 Absent : Perea

(1-Q) BILL NO. B-43 - INTRODUCTION OF BILL AMENDING THE SALES TAX ORDINANCE PURSUANT TO THE AGREEMENT WITH THE COUNTY OF FRESNO MEMORANDUM OF UNDERSTANDING (MOU)

Interim Finance Director/Controller Bradley responded to questions of Councilmember Calhoun relative to how/why the allocation formula was renegotiated to an amount that is not benefitting the city, why it was set so low, and if the city could renegotiate to increase it, and requested staff report back on how the formula was arrived at.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-43 introduced before the Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
 Noes : None
 Absent : Perea

(1-S) RESOLUTION NO. 2005-150 - 74TH AMENDMENT TO AAR 2004-209 APPROPRIATING \$600,000 AND REALLOCATING \$1,250,000 FOR THE BELMONT-SUNNYSIDE YOUTH BASEBALL COMPLEX/PARK

Councilmember Calhoun expressed his frustration and strong concern stating park facilities are always being built in other districts but not in his district **(6 - 0)** and elaborated, and clarified this was not a criticism of staff, with Parks & Recreation Director Cooper responding.

A motion and second was made to approve staff's recommendation. Councilmember Duncan responded to comments and clarified parks in his district were privately funded and paid for by developers and requested comments about other districts and pulling in other districts be kept out of expressed concerns and discussion. Councilmember Boyajian stated he was sensitive to Councilmember Calhoun's concerns but stated developers needed to contribute and elaborated, and expressed his support for the issue stating these were the areas that really needed parks for their youth. President Dages stated there was good morale in the parks & recreation department and commended Mr. Cooper.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-150 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
 Noes : None
 Absent : Perea

145-160

5/3/05

(2:00 P.M. #1) CLOSED SE SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. FRESNO ORGANIZATION OF RETIRED CITY EMPLOYEES, ET AL. V. COF RETIREMENT BOARD, ET AL.
2. DOUGLAS G. SKAGGS V. COF, ADMINSTRATED BY AARLA

(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) - BASIC UNIT
2. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) MANAGEMENT UNIT
3. FRESNO CITY EMPLOYEES' ASSOCIATION (FCEA)
4. INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 39

The City Council met in closed session in Room 2125 at the hour of 3:40 p.m. to consider the above matters and reconvened in regular open session at 4:21p.m.

(3:30 P.M. #2) RESOLUTION NO. 2005-151 - 79TH AMENDMENT TO AAR 2004-209 TO TRANSFER \$400,000 FOR THE POLICE DEPARTMENT'S URBAN AREA SECURITY INITIATIVE (UASI) FROM MISC STATE GRANTS - POLICE FUND TO THE UASI FUND AND TO APPROPRIATE AN ADDITIONAL \$2,100,000 TO THE UASI FUND

Chief Dyer spoke to the history of the matter and gave an in-depth overview of the issue, all as contained in the staff report as submitted, and recommended approval. Councilmember Duncan commended the Chief for a great job and made a motion to adopt the resolution. Chief Dyer responded to questions of Councilmembers Westerlund, Boyajian and Calhoun relative to the interoperable voice communications equipment and ability to communicate in cars with other agencies (particularly the Sanger police department), if the intent was to strengthen capacities, and if there would be the ability to community in the air.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-151 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
 Noes : None
 Absent : Perea

(2:45 P.M.) HEARING TO CONSIDER AMENDING THE STORM DRAINAGE AND FLOOD CONTROL MAP AND AMENDING THE DRAINAGE FEES AND COSTS FOR EACH LOCAL DRAINAGE AREA FOR ALL DEVELOPMENTS WITHIN THE JOINT AREA OF THE CITY OF FRESNO AND THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD)

1. **RESOLUTION NO. 2005-152 - AMENDING THE STORM DRAINAGE AND FLOOD CONTROL MAP AND AMENDING THE DRAINAGE FEES AND COSTS**
2. **RESOLUTION NO. 2005-153 - 430TH AMENDMENT TO MFS RES. 80-420 UPDATING DRAINAGE FEES FOR THE FMFCD**

President Dages announced the time had arrived to consider the issue and opened the hearing. Engineering Services Manager Froberg gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-152 and 2005-153 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
Noes : None
Absent : Perea

145-161

5/3/05

(3:00 P.M.) HEARING TO CONSIDER THE DRAFT 2006-2010 CONSOLIDATED PLAN

President Dages announced the time had arrived to consider the issue and opened the hearing, and M.A. Smith gave an overview of the issue as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Dages closed the public hearing.

As the chairman of the housing task force Councilmember Boyajian stated one of the most important issues for him was that CDBG money go to affordable housing or to entrepreneurs who will provide employment for the poor and added the task force would try to wean city departments off of CDBG funds in the future and explained. Councilmember Sterling thanked staff and stated she concurred with Councilmember Boyajian adding it was the city's responsibility to provide good and affordable housing for the people. Councilmember Calhoun and President Dages also spoke in support of the plan and commended staff for their work. There was no further discussion.

(3:30 P.M. #1) HEARING ON REZONE APPLICATION NO. R-04-74 AND ENVIRONMENTAL FINDINGS, FILED BY RICK AARONIAN, DDS, PROPERTY LOCATED ON THE SOUTH SIDE OF W. DAKOTA BETWEEN N. MARTY AND N. VALENTINE AVENUES IN COUNCIL DISTRICT 1

- a. CONSIDER AND ADOPT E.A. NO. R-04-74/C-05-49, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR**
- b. RESOLUTION NO. 2005-154 - APPROVING CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-05-49, AS AMENDED**
- c. BILL NO. B-44 - ORDINANCE NO. 2005-45 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-1/UGM/cz TO C-6/UGM/cz**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Gerster reviewed the issue as contained in the staff report as submitted, entered a letter into the record from the applicant requesting a modification to the site plan layout for a stucco treatment along the east elevation instead of a 10' landscape border, a copy of which is on file in the office of the city clerk, and recommended approval with the requested modification.

Dave Valenzuela, 560 W. Celeste, representing the applicant, stated he concurred with staff's recommendation.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Mr. Valenzuela and applicant Rick Aaronian responded to questions of Councilmember Boyajian relative to whether the land was currently vacant, what type of vehicles would be stored, capacity, and if the site would be landscaped.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-74/C-05-49 that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, the above entitled Resolution No. 2005-154 hereby adopted subject to the Special Permit Conditions of Approval dated March 15, 2005, and, as amended, for a stucco treatment along the east elevation instead of a 10' landscape border as requested by the applicant, and the above entitled Bill No. B-44 rezoning the subject property adopted as Ordinance No. 2005-45, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages

Noes : None
Absent : Perea

(3:40 P.M.) HEARING ON REZONE APPLICATION NO. R-04-85 AND ENVIRONMENTAL FINDINGS, FILED BY ROGER AND BARBARA PALMQUIST AND VERN SUMMERS, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. WEBER AND W. CATTEN AVENUES IN THE HERNDON TOWNSHIP, NORTHWEST FRESNO, COUNCIL DISTRICT 2
1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR E.A. NO. R-04-85
2. BILL NO. B-45 - ORDINANCE NO. 2005-46 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM M-1/UGM TO R-1/UGM/cz

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Pagoulatos reviewed the issue as contained in the staff report as submitted **(7 - 0)** and recommended approval.

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Dirk Poeschel, 923 Van Ness, representing the applicant, stated he agreed with staff's recommendation.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Calhoun stated this was a unique and unusual area with its own water system, advised the applicants were aware they would be required to hook up to the city's sewer and water system when it is installed out there with no exceptions, and made a motion to approve staff's recommendation. Mr. Poeschel responded to questions of Councilmember Boyajian relative to the one-acre site having seven homes, if homeowners knew they would have to convert to the city's system, and what the home prices would be.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, **RESOLVED**, the environmental finding for E.A. No. R-04-85 that recommended a Mitigated Negative Declaration be adopted for the project hereby approved, and the above entitled Bill No. B-45 rezoning the subject property adopted as Ordinance No. 2005-46 subject to the condition that development of the property shall comply with the mitigation measures identified by the Mitigated Negative Declaration prepared for E.A. R-04-85, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
Noes : None
Absent : Perea

(4:00 P.M.) CONTINUED TEFRA HEARING AS REQUIRED BY THE INTERNAL REVENUE CODE OF 1986 TO CONSIDER THE ISSUANCE OF INDUSTRIAL DEVELOPMENT BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) FOR THE PURPOSE OF FINANCING THE CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF TEMPERING AND DRIP-DRY ROOMS OWNED AND OPERATED BY BUSSETO FOODS, INC., AND CERTAIN OTHER MATTERS RELATED THERETO
1. RESOLUTION NO. 2005-155 - APPROVING THE ISSUANCE OF CSCDA INDUSTRIAL DEVELOPMENT BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,000,000 FOR BUSSETO FOODS, INC.

President Dages announced the time had arrived to consider the issue and opened the hearing.

Interim Finance Director/Controllor Bradley reviewed the issue as contained in the staff report as submitted and recommended approval. Councilmember Sterling advised she toured the facility and was very impressed and made a motion to approve staff's recommendation, which motion was seconded and acted upon after brief discussion.

A Busseto Foods principal spoke further to their operation and presented Council with two boxes of their salami products. Councilmember Sterling added Busseto Foods was an equal opportunity employer, a good neighbor, and showed that industry could work in a residential area.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the above entitled Resolution No. 2005-155 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
 Noes : None
 Absent : Perea

(4:30 P.M.) CONTINUED HEARING TO CONSIDER THE PLANNING COMMISSION'S DECISION REGARDING CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-02-226, AND ENVIRONMENTAL FINDINGS, FILED BY WILKINS ENTERPRISES

1. RESOLUTION NO. 2005-156 - APPROVING CUP APPLICATION NO. C-02-226

President Dages announced the time had arrived to consider the issue and opened the hearing. Planning Manager Unruh gave an extensive overview of the issue and recommended approval of the CUP with the modifications to the mitigation measures, all as contained in the staff report as submitted.

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Dirk Poeschel, 923 Van Ness, representing the applicant, spoke further to the proposed mixed use project, the surrounding area, and substantive issues, displaying maps and renderings to illustrate.

Speaking to the issue and expressing traffic and school concerns were: Jan Wester, 3406 W. Spruce, who also questioned if a traffic study was conducted to determine impacts on Spruce, with Mr. Poeschel responding; **(8 - 0)** Bob Curry, 3155 W. Spruce; Joni Johnson, Bullard Area Home Owners Association, who displayed photos, submitted a letter presented to the Planning Commission, and requested additional mitigation measures; and Salah Salehi, 3399 W. Spruce.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Calhoun spoke to the issue at length stating in his 4+ years on council he had never had a project that had more research, more meetings with neighbors, and more city staff involved in the process than this project, advised the two property owners were residents of the neighborhood which was also important, spoke to and addressed various issues and concerns expressed including Forkner school (clarifying that was not a developer issue but a police department or school board concern), Spruce traffic concerns, the Herndon Avenue widening project which would address some traffic issues, congestion occurring only in the morning, the project contributing to a major new intersection that the developer will pay for, there not being too many children to impact the school due to the high-end apartments being built, issues on the south side, changes made since the project went to the planning commission, the project being well-reviewed, having a good traffic pattern and being a good, classic, in-fill development project, and made a motion to approve staff's recommendation, which motion was seconded and acted upon after additional discussion.

Mr. Unruh, Traffic Engineering Manager Benavides and Mr. Weston responded to questions of Councilmember Boyajian at length relative to why there were no roads between Valentine and Marks, if the city was waiting for a developer to come in and construct roads, if there were any plans for a north/south street, numerous questions on the traffic study, if cumulative impacts of the entire area were looked at, if new street configurations would mitigate some traffic issues, if the residents felt the project would make Spruce Avenue traffic problems worse, and if the developer was contributing to Marks and Sierra improvements and/or to more than the signals on Herndon Avenue.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for E.A. No. C-03-226 hereby approved and the two modifications outlined in the staff report incorporated into the mitigation measures; and the above entitled Resolution No. 2005-156 approving CUP No. C-03-226 as recommended by the Planning and Development Department hereby adopted, subject to the Special Permit Conditions of Approval and mitigation measures of Mitigated Negative Declaration E.A. No. C-02-226 with the modification identified by the staff report dated May 3, 2005, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : Perea

(2-A) REPORT ON PRIORITIZED CAPITAL PROJECTS FOR THE CONVENTION CENTER

At the recommendation of the city manager and with Council consensus the matter was laid over one week.

(3-B) REQUEST THE CITY MANAGER TO DIRECT STAFF TO PRESENT AN INVENTORY AND DETAILED STATUS REPORT OF CITY-OWNED (LEASEABLE) REAL PROPERTY TO COUNCIL - COUNCILMEMBER CALHOUN

Briefly reviewed by Councilmember Calhoun who stated leases were not being properly monitored, some had expired, and it appeared some have not been reviewed, spoke briefly to the Comprehensive Youth Services issue, and stated this area needed attention. City Manager Souza stated the Mayor's office made a similar request last year and an extensive package was prepared and he would submit that information to council; stated there were a lot of varying properties involved and unique lease requirements and provisions in the contracts; advised staff was currently addressing and pulling all matters together and a report and recommendation would be coming back to council when ready; and responded to a question of Councilmember Calhoun **(9 - 0)** on the overall lease process being addressed in the budget process. There was no further discussion.

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(2-B) WORKERS' COMPENSATION COVERAGE FOR VOLUNTEERS AND CRIMINAL OFFENDERS

1. RESOLUTION NO. 2005-157 - APPROVING ESTABLISHMENT OF WORKERS' COMPENSATION BENEFITS FOR VOLUNTEERS ENGAGED IN PERFORMING WORK OR SERVICE FOR THE CITY IN ACCORDANCE WITH THE LABOR CODE, AS AMENDED

2. AUTHORIZE STAFF TO CONTRACTUALLY EXTEND WORKERS' COMPENSATION COVERAGE TO CRIMINAL OFFENDERS ENGAGED IN PERFORMING WORK OR SERVICE FOR THE CITY

Risk Manager Turner reviewed the issues as contained in the staff report as submitted. Councilmember Duncan stated he supported volunteers being covered as that was the right thing to do, made a motion to adopt the resolution (#1), and spoke briefly in opposition to #2 stating it was inappropriate and criminal offenders could take advantage of the system. The motion was seconded by Councilmember Westerlund.

Councilmember Boyajian commended staff on the issue; spoke in support of extending workers' comp to criminal offenders stating they were hard workers, they wanted to work, and they are well supervised; and presented questions relative to whether the City has experienced any abuse by criminal offenders and how long the City has been utilizing them, with City Manager Souza responding.

Councilmember Westerlund spoke in support of covering volunteers and stated #3 in the resolution needed to be amended to add the following italicized language: "...perform work or service without remuneration other than it may include meals, transportation, lodging, ...", etc., which amendment was supported by the city attorney and accepted by the motion-maker. Councilmember Westerlund continued stating he would have to oppose #2 at this time and clarified in order for him to support it he would need more information --besides just the one paragraph in the staff report -- on exactly what the legalities were for criminal offenders and their being covered under workers' compensation.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-157 hereby adopted, *as amended above*, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
Noes :	None
Absent :	Perea

Councilmember Sterling advised she spoke with the public works director on the use of criminal offenders, stated she was very supportive emphasizing they have done great work in her district, added using them was smart financially and was very creative in these tough budget times, and recommended those members opposed to this talk with staff and made a motion to approve #2. Councilmember Calhoun stated a year ago he made a mistake and he did just the kind of work his colleagues were disparaging, advised he met a lot of people and stated with few exceptions they were good people who made a mistake, stated by opposing #2 the City was sending the message of "to hell with them" and stressed these were human beings, stated it also needed to be realized that people make mistakes and one way to rehabilitate them is to send them out to do something constructive and not keep them confined, and thanked staff for bringing the issue forth and seconded the motion. Councilmember Westerlund concurred with Councilmember Calhoun that criminal offenders

were human and should be covered when appropriate but reiterated he would not support this at this time and encouraged staff to report back with further information on liability and on coverage for who/what/when stating the one paragraph in the report was not sufficient. Councilmember Boyajian stated there was nothing dishonorable about cleaning median islands and he agreed with Councilmember Calhoun and also saw this as redemption and an opportunity to give people back their pride. President Dages stated Councilmember Calhoun made a very courageous statement and added covering criminal offenders was also a very prudent business decision and an absolute must.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, staff authorized to contractually extend Workers' Compensation coverage to criminal offenders engaged in performing work or service for the City of Fresno, by the following vote:

Ayes : Boyajian, Calhoun, Sterling, Dages
 Noes : Duncan, Westerlund
 Absent : Perea

(4:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed and convened in joint session with the Redevelopment Agency at the hour of 6:57 p.m.

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5/3/05

APPROVE AGENCY MINUTES OF APRIL 19, 2005

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of April 19, 2005, approved as submitted.

("A") CITY COUNCIL RECEIPT OF THE ANNUAL REPORT OF THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO FOR FISCAL YEAR 2003-2004

Executive Director Murphey reviewed the issue as contained in the staff report as submitted, and Rick Green, a partner of consultant Macias, Gini & Co., spoke additionally to the audit they performed and to the management letter.

Councilmember Sterling stated she was thankful the tax increments were working for the Agency and made a motion to receive the report as presented. City Manager Souza and Ms. Murphey responded to questions of Councilmember Calhoun relative to whether city staff had any comments or concerns, if city staff had been asked to comment on the report, the mission of the agency and how projects are advanced, how well dollars have been used, and how someone can link what is presented in the report to what the Agency is trying to accomplish.

On motion of Councilmember Sterling, seconded by President Dages, duly carried, RESOLVED, the Annual Report of the Redevelopment Agency for FY 2004-04 received as submitted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Boyajian
 Noes : None
 Absent : Perea

ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 7:09 p.m. having arrived and hearing no objections, Chair Boyajian declared the Agency and City Council meetings adjourned.

APPROVED on the ____10th____day of May, 2005.

_____/s/

ATTEST: _____/s/

Tom Boyajian, Agency Chair

Yolanda Salazar, Assistant City Clerk